



2877

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bruce *et al.* Examiner: Turner, S.
Serial No.: 09/386,112 Group Art Unit: 2877
Filed: August 30, 1999 Docket No.: AMDA.261PA
(TT2335)

Title: DUAL-DIFFERENTIAL INTERFEROMETRY FOR SILICON DEVICE
DAMAGE DETECTION

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence and the papers, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 5, 2005.

By: 
Jennifer L. Lason

STATUS INQUIRY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer No.
40581

Dear Sir:

Kindly advise the undersigned as to when an examination communication from the U.S. Patent & Trademark Office, Group 2877, may be expected.

We enclose an additional copy of the favorable Decision on Petition issued March 3, 2005 in patent application serial no. 09/386,112, identified above.

Respectfully submitted,

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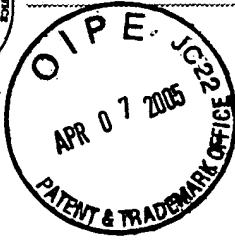
Date: April 4, 2005

By: 

Robert V. Crawford
Reg. No. 32,122



UNITED STATES PATENT AND TRADEMARK OFFICE



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CLIENT REF. NO. TT 2335
DATE SENT 3/6/05
INITIALS JK

021405

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MAR 03 2005

In re Application of:
Bruce et al.
Serial No.: 09/386,112
Filed: August 30, 1999
Attorney Docket No.: **AMDA.261PA**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed September 28, 2004 to withdraw the holding of abandonment under 37 C.F.R. § 1.181 in the above identified application.

The petition is **GRANTED**.

On March 16, 2004 the Board of Patent Appeals and Interferences issued its decision affirming the rejection under 35 U.S.C. § 103 of claims 1, 2, 7, and 9 - 15 and reversing the rejections under 35 U.S.C. § 112, first and second paragraphs, of claims 1 - 16. A Notice of Abandonment was mailed on June 18, 2004 stating that the period for seeking court review of the decision has expired and there are no allowed claims.

Petitioner asserts that the application should have been returned to the examiner for further action by the examiner. In particular, petitioner asserts that the examiner should have mailed petitioner a notice that claims 3 - 6, 8, and 16 would be allowable if rewritten in independent form.

This argument is persuasive. When the Board affirms a rejection of an independent claim and reverses all rejections against a claim dependent thereon, the examiner should have either (1) converted the dependent claims into independent form by examiner's amendment, cancel the claims in which the rejection was affirmed, and issue the application or (2) set a 1-month time limit in which petitioner could rewrite the dependent claims in independent form. M.P.E.P. § 1214.06.

For the above-stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner of record for consideration and prompt appropriate action.

Any inquiry concerning this petition should be directed to Jose G. Dees, Special Program Examiner, at (571) 272-1569.



Janice A. Falcone, Director
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